IN THE HIGH COURT OF JUDICATURE AT BOMBAY

CRIMINAL APPELLATE JURISDICTION

CRIMINAL APPLICATION NO.365 OF 2005

Javed A.Sheikh & Anr. ...Applicants

Versus

State of Maharashtra ...Respondent

.....

Mr.M.K.Jain for Applicants.

Mr.V.B.Konde-Deshmukh, A.P.P. for Respondent.

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**CORAM: A.M.KHANWILKAR, J.**

**FEBRUARY 2, 2005.**

**P.C.**

1. Heard Counsel for the parties. Perused the record.

2. The prosecution case seems to be that on account of certain dispute between the complainant and the accused, the incident in question took place. Indeed, both sides have suffered injuries. The Applicant, however, has suffered minor injuries. So far as the Applicant is concerned, the learned A.P.P. is not in a position to satisfy

me as to why custody of the Applicant is required. Indeed, co-accused is stated to be absconding, but that alone cannot be the reason to detain the Applicant, having regard to the fact that there are no antecedents against the Applicant and dispute started on very small issue between the parties and may be the Applicant over-reacted on that. Taking overall view of the matter, the Applicant can be released on bail by imposing following strict conditions:

(a) The Applicant is enlarged on bail in connection with C.R.No.303/04 registered with Kasturba Marg Police Station, on executing personal bond in the sum of Rs.10,000/- (Rupees Ten Thousand) with one local surety in the like amount.

(b) The Applicant shall report to the Investigating Officer as and when required for the purposes of investigation. In addition, the Applicant shall report on every Saturday between 4.00 p.m. and 6.00 p.m. to the concerned Police Station till the filing of the charge-sheet.

(c) The Applicant shall not influence the prosecution witnesses or tamper with the prosecution evidence in any manner whatsoever.

(d) The Applicant shall extend full co-operation to the Trial Court for early disposal of the trial and if the Trial Court is of the opinion that the Applicant is responsible for the delay of the trial, that fact be recorded in the Roznama, which will be a ground for cancellation of bail.

. Application disposed of on the above terms.

A.M.KHANWILKAR, J.